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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13
14 In the Matter of the Accusation Against:

15 **JOHN ODELL CHURCH, M.D.**
16 **240 N. 12th Avenue, Suite 109**
Hanford, CA 93230

17 **Physician's and Surgeon's Certificate**
18 **No. A 60547**

19 Respondent.

Case No. 800-2015-014475

OAH No. 2019010790

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Michael C.
26 Brummel, Deputy Attorney General.

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2. Respondent John Odell Church, M.D. (Respondent) is represented in this proceeding by attorney Jeffrey S. Kravitz, Esq., whose address is: 1851 Heritage Lane, Suite 128 Sacramento, CA 95815.

3. On or about July 4, 1996, the Board issued Physician's and Surgeon's Certificate No. A 60547 to John Odell Church, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-014475, and will expire on August 31, 2019, unless renewed.

JURISDICTION

4. Accusation No. 800-2015-014475 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 20, 2018. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2015-014475 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-014475. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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1 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
2 completely from the personal use or possession of controlled substances as defined in the
3 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
4 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
5 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
6 illness or condition.

7 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
8 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
9 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
10 telephone number.

11 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
12 use of products or beverages containing alcohol.

13 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
14 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
15 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
16 Respondent shall participate in and successfully complete that program. Respondent shall
17 provide any information and documents that the program may deem pertinent. Respondent shall
18 successfully complete the classroom component of the program not later than six (6) months after
19 Respondent's initial enrollment, and the longitudinal component of the program not later than the
20 time specified by the program, but no later than one (1) year after attending the classroom
21 component. The professionalism program shall be at Respondent's expense and shall be in
22 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

23 A professionalism program taken after the acts that gave rise to the charges in the
24 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
25 or its designee, be accepted towards the fulfillment of this condition if the program would have
26 been approved by the Board or its designee had the program been taken after the effective date of
27 this Decision.

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Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

4. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7) days of the effective date of this Decision, Respondent shall provide to the Board the names, physical addresses, mailing addresses, and telephone numbers of any and all employers and supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's worksite monitor, and Respondent's employers and supervisors to communicate regarding Respondent's work status, performance, and monitoring.

For purposes of this section, "supervisors" shall include the Chief of Staff and Health or Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff privileges.

5. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall make daily contact with the Board or its designee to determine whether biological fluid testing is required. Respondent shall be tested on the date of the notification as directed by the Board or its designee. The Board may order a Respondent to undergo a biological fluid test on any day, at any time, including weekends and holidays. Except when testing on a specific date as ordered by the Board or its designee, the scheduling of biological fluid testing shall be done on a random basis. The cost of biological fluid testing shall be borne by the Respondent.

During the first year of probation, Respondent shall be subject to 52 to 104 random tests. During the second year of probation and for the duration of the probationary term, up to five (5) years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no positive biological fluid tests in the previous five (5) consecutive years of probation, may testing be reduced to one (1) time per month. Nothing precludes the Board from increasing the number of random tests to the first-year level of frequency for any reason.

1 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
2 approved in advance by the Board or its designee, that will conduct random, unannounced,
3 observed, biological fluid testing and meets all of the following standards:

4 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
5 Association or have completed the training required to serve as a collector for the United
6 States Department of Transportation.

7 (b) Its specimen collectors conform to the current United States Department of
8 Transportation Specimen Collection Guidelines.

9 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
10 by the United States Department of Transportation without regard to the type of test
11 administered.

12 (d) Its specimen collectors observe the collection of testing specimens.

13 (e) Its laboratories are certified and accredited by the United States Department of Health
14 and Human Services.

15 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
16 of receipt and all specimens collected shall be handled pursuant to chain of custody
17 procedures. The laboratory shall process and analyze the specimens and provide legally
18 defensible test results to the Board within seven (7) business days of receipt of the
19 specimen. The Board will be notified of non-negative results within one (1) business day
20 and will be notified of negative test results within seven (7) business days.

21 (g) Its testing locations possess all the materials, equipment, and technical expertise
22 necessary in order to test Respondent on any day of the week.

23 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
24 for the detection of alcohol and illegal and controlled substances.

25 (i) It maintains testing sites located throughout California.

26 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
27 computer database that allows the Respondent to check in daily for testing.

28 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff

1 access to drug test results and compliance reporting information that is available 24 hours a
2 day.

3 (l) It employs or contracts with toxicologists that are licensed physicians and have
4 knowledge of substance abuse disorders and the appropriate medical training to interpret
5 and evaluate laboratory biological fluid test results, medical histories, and any other
6 information relevant to biomedical information.

7 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
8 while practicing, even if the Respondent holds a valid prescription for the substance.

9 Prior to changing testing locations for any reason, including during vacation or other travel,
10 alternative testing locations must be approved by the Board and meet the requirements above.

11 The contract shall require that the laboratory directly notify the Board or its designee of
12 non-negative results within one (1) business day and negative test results within seven (7)
13 business days of the results becoming available. Respondent shall maintain this laboratory or
14 service contract during the period of probation.

15 A certified copy of any laboratory test result may be received in evidence in any
16 proceedings between the Board and Respondent.

17 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
18 administered to himself or herself a prohibited substance, the Board shall order Respondent to
19 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
20 medicine or providing medical services. The Board shall immediately notify all of Respondent's
21 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
22 provide medical services while the cease-practice order is in effect.

23 A biological fluid test will not be considered negative if a positive result is obtained while
24 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
25 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

26 After the issuance of a cease-practice order, the Board shall determine whether the positive
27 biological fluid test is in fact evidence of prohibited substance use by consulting with the
28 specimen collector and the laboratory, communicating with the licensee, his or her treating

1 physician(s), other health care provider, or group facilitator, as applicable.

2 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
3 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

4 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
5 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
6 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
7 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

8 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
9 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
10 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
11 any other terms or conditions the Board determines are necessary for public protection or to
12 enhance Respondent's rehabilitation.

13 6. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
14 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
15 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
16 licensed physician and surgeon, other licensed health care professional if no physician and
17 surgeon is available, or, as approved by the Board or its designee, a person in a position of
18 authority who is capable of monitoring the Respondent at work.

19 The worksite monitor shall not have a current or former financial, personal, or familial
20 relationship with Respondent, or any other relationship that could reasonably be expected to
21 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
22 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
23 monitor, this requirement may be waived by the Board or its designee, however, under no
24 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

25 The worksite monitor shall have an active unrestricted license with no disciplinary action
26 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
27 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
28 by the Board or its designee.

1 Respondent shall pay all worksite monitoring costs.

2 The worksite monitor shall have face-to-face contact with Respondent in the work
3 environment on as frequent a basis as determined by the Board or its designee, but not less than
4 once per week; interview other staff in the office regarding Respondent's behavior, if requested
5 by the Board or its designee; and review Respondent's work attendance.

6 The worksite monitor shall verbally report any suspected substance abuse to the Board and
7 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
8 substance abuse does not occur during the Board's normal business hours, the verbal report shall
9 be made to the Board or its designee within one (1) hour of the next business day. A written
10 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
11 any other information deemed important by the worksite monitor shall be submitted to the Board
12 or its designee within 48 hours of the occurrence.

13 The worksite monitor shall complete and submit a written report monthly or as directed by
14 the Board or its designee which shall include the following: (1) Respondent's name and
15 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
16 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
17 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
18 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
19 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
20 lead to suspected substance abuse by Respondent. Respondent shall complete any required
21 consent forms and execute agreements with the approved worksite monitor and the Board, or its
22 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

23 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
24 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
25 approval, the name and qualifications of a replacement monitor who will be assuming that
26 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
27 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
28 monitor, Respondent shall receive a notification from the Board or its designee to cease the

1 practice of medicine within three (3) calendar days after being so notified. Respondent shall
2 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
3 responsibility.

4 7. VIOlation OF PROBATION CONDITION FOR SUBSTANCE ABUSING
5 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
6 probation.

7 A. If Respondent commits a major violation of probation as defined by section
8 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
9 one or more of the following actions:

10 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
11 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
12 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
13 order issued by the Board or its designee shall state that Respondent must test negative for at least
14 a month of continuous biological fluid testing before being allowed to resume practice. For
15 purposes of determining the length of time a Respondent must test negative while undergoing
16 continuous biological fluid testing following issuance of a cease-practice order, a month is
17 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
18 notified in writing by the Board or its designee that he or she may do so.

19 (2) Increase the frequency of biological fluid testing.

20 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
21 other action as determined by the Board or its designee.

22 B. If Respondent commits a minor violation of probation as defined by section
23 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
24 one or more of the following actions:

25 (1) Issue a cease-practice order;

26 (2) Order practice limitations;

27 (3) Order or increase supervision of Respondent;

28 (4) Order increased documentation;

1 (5) Issue a citation and fine, or a warning letter;

2 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
3 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
4 Regulations, at Respondent's expense;

5 (7) Take any other action as determined by the Board or its designee.

6 C. Nothing in this Decision shall be considered a limitation on the Board's authority
7 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
8 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
9 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
10 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
11 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
12 is final, and the period of probation shall be extended until the matter is final.

13 8. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
14 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
15 Chief Executive Officer at every hospital where privileges or membership are extended to
16 Respondent, at any other facility where Respondent engages in the practice of medicine,
17 including all physician and locum tenens registries or other similar agencies, and to the Chief
18 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
19 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
20 calendar days.

21 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

22 9. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
23 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
24 advanced practice nurses.

25 10. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
26 governing the practice of medicine in California and remain in full compliance with any court
27 ordered criminal probation, payments, and other orders.

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1 11. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
2 under penalty of perjury on forms provided by the Board, stating whether there has been
3 compliance with all the conditions of probation.

4 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
5 of the preceding quarter.

6 12. GENERAL PROBATION REQUIREMENTS.

7 Compliance with Probation Unit

8 Respondent shall comply with the Board's probation unit.

9 Address Changes

10 Respondent shall, at all times, keep the Board informed of Respondent's business and
11 residence addresses, email address (if available), and telephone number. Changes of such
12 addresses shall be immediately communicated in writing to the Board or its designee. Under no
13 circumstances shall a post office box serve as an address of record, except as allowed by Business
14 and Professions Code section 2021(b).

15 Place of Practice

16 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
17 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
18 facility.

19 License Renewal

20 Respondent shall maintain a current and renewed California physician's and surgeon's
21 license.

22 Travel or Residence Outside California

23 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
24 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
25 (30) calendar days.

26 In the event Respondent should leave the State of California to reside or to practice,
27 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
28 departure and return.

1 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
2 available in person upon request for interviews either at Respondent's place of business or at the
3 probation unit office, with or without prior notice throughout the term of probation.

4 14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
5 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
6 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
7 defined as any period of time Respondent is not practicing medicine as defined in Business and
8 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
9 patient care, clinical activity or teaching, or other activity as approved by the Board. If
10 Respondent resides in California and is considered to be in non-practice, Respondent shall
11 comply with all terms and conditions of probation. All time spent in an intensive training
12 program which has been approved by the Board or its designee shall not be considered non-
13 practice and does not relieve Respondent from complying with all the terms and conditions of
14 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
15 on probation with the medical licensing authority of that state or jurisdiction shall not be
16 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
17 period of non-practice.

18 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
19 months, Respondent shall successfully complete the Federation of State Medical Board's Special
20 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
21 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
22 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

23 Respondent's period of non-practice while on probation shall not exceed two (2) years.

24 Periods of non-practice will not apply to the reduction of the probationary term.

25 Periods of non-practice for a Respondent residing outside of California will relieve
26 Respondent of the responsibility to comply with the probationary terms and conditions with the
27 exception of this condition and the following terms and conditions of probation: Obey All Laws;
28 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or

1 Controlled Substances; and Biological Fluid Testing.

2 15. COMPLETION OF PROBATION. Respondent shall comply with all financial
3 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
4 completion of probation. Upon successful completion of probation, Respondent's certificate shall
5 be fully restored.

6 16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
7 of probation is a violation of probation. If Respondent violates probation in any respect, the
8 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
9 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
10 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
11 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
12 the matter is final.

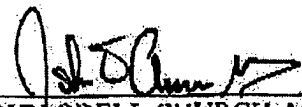
13 17. LICENSE SURRENDER. Following the effective date of this Decision, if
14 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
15 the terms and conditions of probation, Respondent may request to surrender his or her license.
16 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
17 determining whether or not to grant the request, or to take any other action deemed appropriate
18 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
19 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
20 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
21 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
22 application shall be treated as a petition for reinstatement of a revoked certificate.

23 18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
24 with probation monitoring each and every year of probation, as designated by the Board, which
25 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
26 California and delivered to the Board or its designee no later than January 31 of each calendar
27 year.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey S. Kravitz, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 5/21/19
JOHN ODELL CHURCH, M.D.
Respondent

I have read and fully discussed with Respondent John Odell Church, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/21/19
JEFFREY S. KRAVITZ, ESQ.
*Attorney for Respondent*ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated:

Respectfully submitted,

XAVIER BUCERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General

MICHAEL C. BRUMMEL
Deputy Attorney General
Attorneys for Complainant

FR2018102420

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Jeffrey S. Kravitz, Esq. I understand the stipulation and the effect
4 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
5 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: _____

9 JOHN ODELL CHURCH, M.D.
Respondent

10 I have read and fully discussed with Respondent John Odell Church, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: _____

14 JEFFREY S. KRAVITZ, ESQ.
Attorney for Respondent

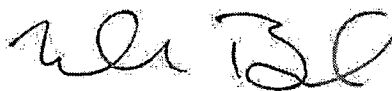
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16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Medical Board of California.

19 Dated: 5/23/2019

Respectfully submitted,

21 XAVIER BECERRA
Attorney General of California
22 STEVE DIEHL
Supervising Deputy Attorney General

23 

24 MICHAEL C. BRUMMEL
Deputy Attorney General
25 Attorneys for Complainant

26
27 FR2018102420

Exhibit A

Accusation No. 800-2015-014475

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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
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In the Matter of the Accusation Against:

Case No. 800-2015-014475

John Odell Church, M.D.
240 N. 12th Avenue, Suite 109
Hanford, CA 93230

ACCUSATION

Physician's and Surgeon's Certificate
No. A 60547,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about July 4, 1996, the Medical Board issued Physician's and Surgeon's Certificate No. A 60547 to John Odell Church, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2019, unless renewed.

///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 141 of the Code, states in pertinent part:

“(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

“...”

5. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

///

1 “(5) Have any other action taken in relation to discipline as part of an order of probation, as
2 the board or an administrative law judge may deem proper.

3 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
4 review or advisory conferences, professional competency examinations, continuing education
5 activities, and cost reimbursement associated therewith that are agreed to with the board and
6 successfully completed by the licensee, or other matters made confidential or privileged by
7 existing law, is deemed public, and shall be made available to the public by the board pursuant to
8 Section 803.1.”

9 6. Section 2305 of the Code, states:

10 “The revocation, suspension, or other discipline, restriction, or limitations imposed by
11 another state upon a license or certificate to practice medicine issued by that state, or the
12 revocation, suspension, or restriction of the authority to practice medicine by any agency of the
13 federal government, that would have been grounds for discipline in California of a licensee under
14 this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the
15 licensee in this state.”

16 7. Section 2234 of the Code, states, in pertinent part:

17 “The board shall take action against any licensee who is charged with unprofessional
18 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
19 limited to, the following:

20 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
21 violation of, or conspiring to violate any provision of this chapter.

22 “... ”

23 “(f) Any action or conduct which would have warranted the denial of a certificate.

24 “... ”

25 8. Section 2236 of the Code states, in pertinent part:

26 “(a) The conviction of any offense substantially related to the qualifications, functions, or
27 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
28 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive

1 evidence only of the fact that the conviction occurred.

2 "...

3 "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
4 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
5 shall be conclusive evidence of the fact that the conviction occurred."

6 9. Section 2239 of the Code states:

7 "(a) The use or prescribing for or administering to himself or herself, of any controlled
8 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
9 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
10 any other person or to the public, or to the extent that such use impairs the ability of the licensee
11 to practice medicine safely or more than one misdemeanor or any felony involving the use,
12 consumption, or self-administration of any of the substances referred to in this section, or any
13 combination thereof, constitutes unprofessional conduct. The record of the conviction is
14 conclusive evidence of such unprofessional conduct."

15 "(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
16 deemed to be a conviction within the meaning of this section. The Medical Board may order
17 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the
18 denial of the license when the time for appeal has elapsed or the judgment of conviction has been
19 affirmed on appeal or when an order granting probation is made suspending imposition of
20 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
21 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,
22 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or
23 indictment."

24 10. California Code of Regulations, title 16, section 1360, states:

25 "For the purposes of denial, suspension or revocation of a license, certificate or permit
26 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
27 considered to be substantially related to the qualifications, functions or duties of a person holding
28 a license, certificate or permit under the Medical Practice Act if to a substantial degree it

1 evidences present or potential unfitness of a person holding a license, certificate or permit to
2 perform the functions authorized by the license, certificate or permit in a manner consistent with
3 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
4 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
5 violation of, or conspiring to violate any provision of the Medical Practice Act.”

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Crime)**

8 11. Respondent has subjected his Physician's and Surgeon's Certificate No. A 60547 to
9 disciplinary action under section 2227, as defined by section 2236, in that he was convicted of an
10 offense substantially related to the qualifications, functions or duties of a physician and surgeon.

11 The circumstances are as follows:

12 12. On or about May 25, 2015, at approximately 2138 hours, a police officer observed
13 Respondent driving his vehicle in Hanford, California, stopped, facing north, in the southbound
14 lane of a divided highway. The police officer contacted Respondent, who appeared overly
15 relaxed. Respondent told the police officer that he had not consumed any alcohol, medications or
16 drugs prior to driving. At the police officer's request, Respondent agreed to perform standard
17 field sobriety tests and exited his vehicle.

18 13. Respondent participated in a number of field sobriety tests, including the modified
19 stance, hand dexterity, finger to nose, heel to toe, nystagmus, and preliminary alcohol screening
20 (PAS) tests. During the modified stance test, Respondent swayed side-to-side and front to back.
21 Respondent was unable to count correctly, or touch the appropriate finger as directed during the
22 hand dexterity test. During the finger to nose test, Respondent was unable to touch the tip of his
23 finger to the tip of his nose in a smooth and controlled manner. Respondent had to readjust the
24 position of his finger in order to touch his nose as directed by the police officer. During the heel
25 to toe test, Respondent was unable to touch his heel to his toe as instructed on any of the steps.
26 When the police officer told him to take nine steps forward, Respondent took 11 steps.
27 Respondent then attempted to turn around at the direction of the police officer and nearly fell to
28 the ground. The police officer terminated this test for Respondent's safety. The police officer

1 noted that Respondent had a lack of smooth pursuit during the nystagmus test. Respondent
2 provided a breath sample for the PAS test that indicated a .197% blood alcohol level. The police
3 officer's department-issued body camera recorded the encounter with Respondent.

4 14. The police officer placed Respondent under arrest for driving under the influence of
5 alcohol. Contrary to his previous statements, Respondent told the police officer that he had had a
6 couple glasses of wine before driving. Respondent chose to provide a sample for a blood test and
7 was transported to the local jail for the test. The police officer's blood test revealed that
8 Respondent had a blood alcohol level of .20%.

9 15. On or about November 20, 2015, in a criminal proceeding entitled *People of the State*
10 *of California vs. John Church*, Case No. 15CM-6027, Respondent was charged with violations of
11 Vehicle Code sections 23152(a) and 23152(b) with special enhancements pursuant to Vehicle
12 Code section 23578 for excessive blood alcohol level.

13 16. On or about June 16, 2016, in a criminal proceeding entitled *People of the State of*
14 *California vs. John Church*, Case No. 15CM-6027, Respondent was convicted upon his plea of
15 nolo contendere to a charge of Vehicle Code section 23152(b) (driving with a blood alcohol
16 content of .08% or more), a misdemeanor, and admitted the special enhancement of Vehicle Code
17 section 23578 (blood alcohol content of .15% or greater). The Court sentenced Respondent to
18 three (3) years probation and ordered him to serve 10 days in jail, pay fines and fees, abstain from
19 alcoholic beverages, abstain from any establishment where the primary purpose is to sell alcohol,
20 not to drive with any measurable amount of alcohol in his blood, submit to chemical testing by
21 any peace officer, and submit to search and seizure while on probation.

22 17. On or about May 28, 2018, Respondent participated in a voluntary interview with
23 investigators from the Medical Board of California. Respondent admitted to drinking four glasses
24 of wine at his hotel prior to driving his vehicle the night of the arrest.

25 18. On or about April 26, 1996, the New York State Education Department issued
26 License No. 202805, to Respondent permitting him to practice as a physician. Respondent's New
27 York License No. 202805, was in full force and effect at all times relevant to the charges brought
28 herein. Effective June 14, 2018, the New York State Department of Health State Board for

1 Professional Medical Conduct took disciplinary action against Respondent's New York License
2 No. 202805. The New York State Department of Health State Board for Professional Medical
3 Conduct issued a censure and reprimand that included a \$1,000.00 fine. The censure and
4 reprimand was related to Respondent's June 16, 2016 misdemeanor criminal conviction in
5 California for driving under the influence of alcohol. A certified copy of the New York
6 disciplinary action is attached hereto as "Exhibit A."

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Use of Alcohol Dangerous to Licensee or Others)**

9 19. Respondent has subjected his Physician's and Surgeon's License No. A 60547 to
10 disciplinary action under sections 2227, as defined by section 2239, in that he used alcoholic
11 beverages, to the extent or in such a manner as to be dangerous or injurious to the licensee, or to
12 any other person or to the public, as more particularly alleged in paragraphs 12 through 18, which
13 are hereby incorporated by reference and realleged as if fully set forth herein.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Disciplinary Action by Another State)**

16 20. Respondent has subjected his Physician's and Surgeon's License No. A 60547 to
17 disciplinary action under sections 2227, as defined by section 2305 and section 141, subdivision
18 (a), in that his license or certificate to practice medicine in another state was revoked, suspended
19 or otherwise disciplined, restricted or limited, which would have been grounds for discipline in
20 California, as more particularly alleged in paragraphs 12 through 19, which are hereby
21 incorporated by reference and realleged as if fully set forth herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Conduct Warranting Denial of a Certificate)**

24 21. Respondent has subjected his Physician's and Surgeon's License No. A 60547 to
25 disciplinary action under section 2227, as defined by section 2234, subdivision (f), in that he
26 engaged in action or conduct that would have warranted the denial of a certificate, as more
27 particularly alleged in paragraphs 12 through 20, which are hereby incorporated by reference and
28 realleged as if fully set forth herein.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Medical Practice Act)**

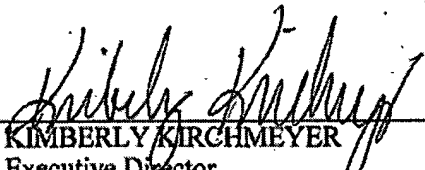
3 22. Respondent has subjected his Physician's and Surgeon's License No. A 60547 to
4 disciplinary action under section 2227, as defined by section 2234, subdivision (a), in that he
5 violated or attempted to violate, directly or indirectly the Medical Practice Act, as more
6 particularly alleged in paragraphs 12 through 21, which are hereby incorporated by reference and
7 realleged as if fully set forth herein.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Medical Board of California issue a decision:

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 60547, issued
12 to John Odell Church, M.D.;
- 13 2. Revoking, suspending or denying approval of John Odell Church, M.D.'s authority to
14 supervise physician assistants and advanced practice nurses;
- 15 3. Ordering John Odell Church, M.D., if placed on probation, to pay the Board the costs
16 of probation monitoring; and
- 17 4. Taking such other and further action as deemed necessary and proper.

18
19 DATED: November 20, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit "A"



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy

CERTIFICATION

STATE OF NEW YORK)
 ss:
COUNTY OF RENSSELAER)

David A. Epting, being duly sworn, deposes and says:

I am with the Office of Professional Medical Conduct, New York State Department of Health. I am an officer having legal custody of the records of the Office of Professional Medical Conduct. I, hereby, certify that the enclosed documents are true copies of documents from the files of the Office of Professional Medical Conduct in the case of :

John Odell Church, MD
NYS medical license # 202805

David A. Epting
Director of Investigations
Office of Professional Medical Conduct

Sworn to before me this 19th day of June, 2018

Virginia Y. Bechard
Notary Public, State of New York
No. 01BB6142161
Qualified in Rensselaer County
Commission expires March 13, 2022

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN CHURCH IV, M.D.

BPMC No. 18-131

CONSENT
ORDER

Upon the application of (Respondent) John Church IV, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,
either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at
the address in the attached Consent Agreement or by certified mail to Respondent's
attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,
whichever is first.

SO ORDERED.

DATE: 6/06/2018


ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN CHURCH IV, M.D.

CONSENT
AGREEMENT

John Church IV, M.D., represents that all of the following statements are true:

That on or about April 26, 1996, I was licensed to practice as a physician in the State of New York, and issued License No. 202805 by the New York State Education Department.

My current address is SATF-CDCR 900 Quebec Avenue, Corcoran, CA 93212, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I agree not to contest the allegations in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

Pursuant to N.Y. Pub. Health Law §§ 230-a(7) and (9), I shall be subject to a fine in the amount of \$1,000 to be paid in full within 30 days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 2784
Empire State Plaza
Albany, New York 12237

In making such payment, Respondent shall indicate the order number of this Order both on the payment check submitted and on the cover letter accompanying payment. Additionally, Respondent shall simultaneously mail a photocopy of the check and cover letter to:

Physician Monitoring Program
Office of Professional Medical Conduct
Riverview Center
150 Broadway, Suite 355
Albany, New York 12204-2719.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ. Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall; report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in

addition to such periodic reports and notification of any changes, update his or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's

employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 5/24/18


JOHN CHURCH, IV, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE:

5-29-18
JEFFREY S. KRAVITZ, ESQ.
Attorney for Respondent

DATE:

5/31/18
IAN H. SILVERMAN, ESQ.
Associate Counsel
Bureau of Professional Medical Conduct

DATE:

6/5/18
KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT A

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

JOHN CHURCH IV, M.D.

STATEMENT
OF
CHARGES

John Church IV, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 26, 1996 by the issuance of license number 202806 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 16, 2016 Respondent was convicted of the misdemeanor Driving Under the Influence with special allegation-blood alcohol content of 0.15 or more/refuse chemical test in the California Superior Court of Kings County, in violation of VC23152(a)-M and VC23578-A. Respondent was sentenced to 10 days in jail and three years probation, fined \$150 and fees in the amount of \$1,875 and ordered to complete a First Offender three month DUI program.

B. Respondent's crime as described above in California would, if committed in New York State, have constituted a crime under New York State law, specifically Vehicle and Traffic Law §1192 (2) and/or (3) Driving While Intoxicated, an unclassified misdemeanor.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law (namely N.Y. Vehicle and Traffic Law § 1192 (2) and/or (3), Driving While Intoxicated) as alleged in the facts of the following:

1. The facts in Paragraph A and B.

DATE: May 30, 2018
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct